

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

CHARLES L. BURTON, JR.,  Plaintiff,  v.  JEFFERSON DUNN, Commissioner, Alabama Department of Corrections,  Defendant.	Case No. 2:19-cv-242 (RAH) (SMD)  <b>CAPITAL CASE</b>
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**PLAINTIFF’S STATUS REPORT**

Pursuant to the Court’s Order of April 1, 2021 (ECF No. 83), Plaintiff Charles L. Burton, Jr. respectfully submits this status report:

1. Mr. Burton continues to await finalization of a protocol for nitrogen hypoxia executions by the Alabama Department of Corrections (the “ADOC”) and the ADOC’s final decision on whether it will allow Mr. Burton’s religious advisor to be present with him in the execution chamber during the execution.

2. Mr. Burton’s position on the litigation has not changed: The ADOC failed to meet its burden by providing evidence that safety concerns justify the exclusion of Mr. Burton’s religious advisor from the execution chamber, and this case is thus ripe for summary judgment and the entry of an injunction preventing the ADOC from executing Mr. Burton without his religious advisor present. Should circumstances later change, the ADOC can seek at that time to have the injunction amended.

Dated: June 8, 2021

Respectfully submitted,

/s/ Spencer J. Hahn

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/s/ John Anthony Palombi

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*Counsel for Plaintiff Charles L. Burton, Jr.*

**CERTIFICATE OF SERVICE**

I, Anand Agneshwar, do hereby certify that a true and correct copy of the foregoing has been filed this 8th day of June 2021 via the Court's CM/ECF system, which will provide service to all counsel of record.

/s/ Anand Agneshwar

Anand Agneshwar

*Counsel for Plaintiff Charles L. Burton, Jr.*